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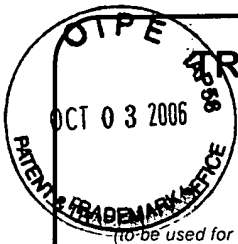
PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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2154



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number		09/734,952	
Filing Date		December 11, 2000	
First Named Inventor		Aravind Sitaraman	
Art Unit		2154	
Examiner Name		Patel, Ashok B.	
Total Number of Pages in This Submission	10	Attorney Docket Number	CISCO-3294 (032590-136)

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition to Accept Pre-Appeal Brief Request for Review (Non-Fee) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Copy of Pre-Appeal Brief Request for Review, with attachment (3 pages); 2) Copy of Notice of Panel Decision mailed 6/19/06 (2 pages); and 3) Postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	THELEN REID & PRIEST LLP		
Signature			
Printed Name	John P. Schaub		
Date	September 28, 2006	Reg. No.	42,125

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Karen A. Rogers	Date	September 29, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No. CISCO-3294
(client matter: 032590-000136)

THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Aravind Sitaraman et al.
SERIAL NO.: 09/734,952
FILING DATE: December 11, 2000
TITLE: PREVENTING HTTP SERVER ATTACKS
EXAMINER: Ashok B. Patel (Tel. No. (571) 272-3972)
(Fax No. (703) 878-9306)
ART UNIT: 2154
CONFIRMATION NO.: 4939

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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date printed below:

Date: September 29, 2006

Name: Karen A. Rogers

Karen A. Rogers

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCEPT PRE-APPEAL BRIEF REQUEST FOR REVIEW UNDER
37 C.F.R. § 1.181

This petition is being filed, in accordance with 37 C.F. R. § 1.181, to request acceptance of the Pre-Appeal Brief Request for Review filed on April 14, 2006 for the above-referenced application.

A Pre-Appeal Brief Request for Review (form PTO/SB/31, hereinafter "Request") for the above-referenced application was filed on April 14, 2006. A copy of the Request is attached

herewith. The Request included a two-page attachment that referred to the Final Office Action dated November 21, 2005. The two-page attachment to the one-page Request specifically and concisely requested of review of one rejection under 35 U.S.C. § 102 and two rejections under 35 U.S.C. § 103. These arguments already made of record in the Final Office Action dated November 21, 2005 were referred to by page number and paragraph number.

A Notice of Panel Decision from Pre-Appeal Brief Review dated June 19, 2006 (“Notice”) indicated that the Request was improper because it was “more than five pages (referrals back to previous remarks).” A copy of the Notice is attached herewith.

On August 17, 2006, the undersigned spoke with Examiner Joe Dixon regarding the Notice. Examiner Dixon indicated he would have the examiner that signed the Notice, John Follansbee, call the undersigned to indicate the result of the Examiner’s review. Examiner Follansbee called to tell the undersigned that the text of arguments already made of record in the Final Office Action dated November 21, 2005, referenced by the Request, were included in the page count for the Request. Examiner Follansbee contended that grounds for the Request were proper since the resulting page count was more than five. The Applicants respectfully disagree for the reasons set forth below.

The Patent Office Notice regarding the Pre-Appeal Brief Conference Pilot Program (“Pilot Program Notice”) provides:

... the request should concisely point out that a limitation is not met by a reference or the examiner failed to show proper motivation for making a modification in an obviousness rejection (35 U.S.C. 103). Applicants are encouraged to refer to arguments already of record rather than repeating them in

the request. This may be done by simply referring to a prior submission by paper number and the relevant portions thereof

...

The request may not be more than five (5) pages total and the remarks should be drafted with the expectation that for a clear error in fact or other deficiency, a long detailed explanation is not needed.

“New Pre-Appeal Brief Conference Pilot Program”, OG Notices, July 12, 2005, p. 4. (emphasis added)

Nowhere does the Pilot Program Notice indicate that the arguments already of record are to be included in the five-page total for the Request. On the contrary, the Pilot Program Notice encourages concise Requests and specifically encourages references in the Request to arguments already of record. Therefore, the Applicants submit that the Request for the above-referenced application was proper and should be considered on its merits.

The Applicants respectfully request the following:

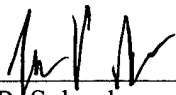
1. Withdraw the Notice of Panel Decision from Pre-Appeal Brief Review.
2. Enter the Request filed April 14, 2006 as timely filed.
3. Issue a new Notice of Panel Decision from Pre-Appeal Brief Review that addresses the merits of the Request.

It is believed that no fee is required for filing the above-referenced documents. In the event that any additional fee is required, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account 50-1698.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,

Dated: September 28, 2006



John P. Schaub
Reg. No. 42,125

THELEN REID & PRIEST LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel.: (408) 282-1858
Fax: (408) 278-8258



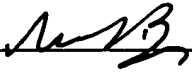
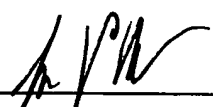
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Doc Code: **ADPRE.REQ**

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) CISCO-3294	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>April 14, 2006</u></p> <p>Signature <u></u></p> <p>Typed or printed Name <u>Monica Pizarro</u></p>		Application Number 09/734,952	Filed December 11, 2000
		First Named Inventor Aravind Sitaraman et al.	
		Art Unit 2154	Examiner Ashokkumar B. Patel
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>42,125</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number _____</p>		<p><u></u> Signature</p> <p><u>John P. Schaub</u> Typed or printed name</p> <p><u>(408) 292-5800</u> Telephone number</p> <p><u>4/13/06</u> Date</p>	
<p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Docket No.: CISCO-3294 (032590-000136)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Aravind Sitaraman et al.

SERIAL NO.: 09/734,952

CONFIRMATION NO.: 4939

FILING DATE: December 11, 2000

TITLE: Preventing HTTP Server Attacks

EXAMINER: Ashokkumar B. Patel

TELEPHONE: (571) 272-3972

FAX: (703) 872-9306

ART UNIT: 2154

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop: AF, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on the date printed below:

Date: 4/14/06

Name: Monica Pizarro

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attachment to Pre-Appeal Brief Request For Review

The Applicant respectfully requests a formal review of the legal and factual basis of the rejections in the above referenced application in view of the following remarks:

1. Claims 2, 5, 13, 16, 24, and 27 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Lin et al. (U.S. Pat. No. 5,751,668). Applicant traverses this rejection for the reasons provided in the Response to Office Action filed August 19, 2005. See page 11 last paragraph to page 18 third paragraph of that Response in particular.

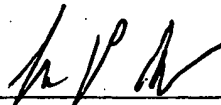
2. Claims 3, 4, 6, 14, 15, 17-20, 25, 26, and 29-31 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lin et al. in view of Primeaux et al. (U.S. Pat. No. 6,334,121) Applicant traverses this rejection for the reasons provided in the Response to Office Action filed August 19, 2005. See the following portions of that Response in particular: page 11 last paragraph to page 12 last paragraph; and page 18 fourth paragraph to page 24 third full paragraph.

3. Claims 36-43 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lin et al. in view of Primeaux et al. and further in view of Prabandham et al. (U.S. Pat. No. 6,701,438). Applicant traverses this rejection for the reasons provided in the Response to Office Action filed August 19, 2005. See the following portions of that Response in particular: page 11 last paragraph to page 12 last paragraph; and page 24 third full paragraph to page 25 last paragraph.

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP



John P. Schaub

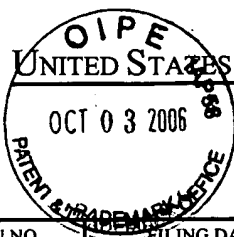
Reg. No. 42,125

Dated: April 13, 2006

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,952	12/11/2000	Aravind Sitaraman	CISCO-3294	4939

7590
David B. Ritchie
Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640

06/19/2006

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JUN 23 2006


THELEN REID & PRIEST
IP DOCKETING

EXAMINER	
PATEL, ASHOKKUMAR B	
ART UNIT	PAPER NUMBER

2154

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Application Number 	Application/Control No.		Applicant(s)/Patent under Reexamination	
	09/734,952		SITARAMAN ET AL.	
	John Follansbee		Art Unit	2154
Document Code - AP.PRE.DEF				



Notice of Panel Decision from Pre-Appeal Brief Review



RECEIVED

JUN 22 2006

This is in response to the Pre-Appeal Brief Request for Review filed 4/17/06.

**THELEN REID & PRIEST
IP DOCKETING**

1. ☒ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☒ Other: the request is more than 5 pages (referrals back to previous remarks).

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☐ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☐ The panel has determined the status of the claim(s) is as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) John Follansbee

(2) Ashok Patel

(3) _____

(4) _____

Mail log _____ Date _____

CPI _____ Date _____

Excel _____ Date _____